

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

JUL 24 2013

SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk

MCALLEN DIVISION

UNITED STATES OF AMERICA

§

V.

§

CRIMINAL NO. M-12-1036

§

RAMON DE LA GARZA

§

§

§

FINAL ORDER OF FORFEITURE

Pending before the Court is a Motion for Final Order of Forfeiture filed by the United States as to Defendant Ramon De La Garza. The Court, having considered the motion and all matters filed herein, GRANTS said motion and makes the following findings:

1. On June 26, 2012, a criminal indictment was returned by a federal grand jury in the Southern District of Texas, McAllen Division charging the defendant and co-defendants Marcelo Hererra and Carla Cantu-Herrera with conspiracy to commit health care fraud, health care fraud, wire fraud and aggravated identity theft.

2. The indictment included a Notice of Forfeiture pursuant to Title 18, United States Code, Section 982(a)(7) giving notice that the United States sought forfeiture of all property, real or personal, that constitutes or is derived, directly or indirectly from gross proceeds traceable to the commission of the offenses including, but not limited to, a sum of money equal to the amount of proceeds obtained as a result of the offenses alleged in Counts 1 through 12.

3. Defendant **Ramon DE LA GARZA** entered a guilty plea before this Court to Counts One and Fourteen of the indictment which charges Defendant **Ramon DE LA GARZA** with conspiracy to commit health care fraud and aggravated identity theft in violation of Title 18 U.S.C. §§§ 1349, 1028A and 2.

4. Pursuant to the plea agreement and the factual basis submitted to the Court, the Court found that there exists a substantial nexus between the offenses of conviction and the Subject Property described in Exhibit A to the Motion for Preliminary Order of Forfeiture and granted the Preliminary Order of Forfeiture on February 22, 2013. The Court further ordered a money judgment against each defendant, joint and several.

5. The Court finds that the Preliminary Order of Forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least thirty (30) days beginning on March 1, 2013, and no person or entity other than those identified herein has filed a claim to the Subject Property, making the Preliminary Order of Forfeiture final as to all potential parties.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Preliminary Order of Forfeiture is final as to Defendant Ramon De La Garza Marcelo and the United States have forfeiture of the following property:

1. (1) Drive Medical (Active Care) Spitfire 1310 3-Wheel Compact Scooter
Serial Number: SM3022AC07040032
2. (1) Drive Medical (Active Care) Spitfire 1410 4-Wheel Compact Scooter
Serial Number: SM4022AC07060314
3. (1) Access Point Model AXS 32 Scooter
Serial Number: 06816
4. (1) Access Point Model AXS 42 Scooter
Serial Number: 05754
5. (1) Drive Medical (Active Care) Spitfire 1310 3-Wheel Compact Scooter
Serial Number: SM3022AC07040436
6. (1) Drive Medical (Active Care) Spitfire 1410 4-Wheel Compact Scooter
Serial Number: SM4022AC07060386
7. (1) MJM International Portable Toilet Seat w/4 Attachable Wheels
Serial Number: 06917
8. (1) Drive Medical Alum Rollator w/Fold-Up & Removable Back Support, 6" Casters
w/Loop Lock
Serial Number: 3D120706094
9. (1) Walker
Serial Number: GT60252080

10. (1) Medline Basket for 2 Button Walkers
Serial Number: MD586615K
11. (5) Invacare Heavy Duty Shower Chair w/ Backrest
Serial Number: 1SG9781M
12. (1) Drive Medical Bariatric Steel Rollator Padded Seat, 8" Casters w/ Loop Locks
Serial Number: 10215RD-1
13. (1) Drive Medical Bariatric Steel Rollator Padded Seat, 8" Casters w/ Loop Locks
Serial Number: 3H005715 (on box)
14. (1) Drive International Folding Walker with Wheels
Serial Number: 0712000205
15. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE608I2757
16. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70500628
17. (1) Drive Medical Cruiser III Lightweight Dual Axle Wheelchair
Serial Number: K316DDA-SF
18. (1) Drive Go Light Bariatric Steel Rollator Wheelchair
Serial Number: 10215RD-1
19. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE61005667
20. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE6I005953
21. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70500742
22. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70604994
23. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70913504
24. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70508303
25. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70601892
26. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: A70833293
27. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE61005699
28. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70500582
29. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: A70834761
30. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: A70832627
31. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70500757

32. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70600840
33. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70602623
34. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70500954
35. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE61005827
36. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE61006125
37. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE61005589
38. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70603031
39. (1) Sunrise Medical Guardian Easy Care 2000 Wheelchair
Serial Number: AE70500758
40. (1) Medline Protection Plus Fluff-filled Underpads (150
count box) Serial Number: M5C281226C
41. (2) ISO Alternating Pressure Relief Mattress
42. (1) Drive Medical (Active Care) Spitfire 1420 4-Wheel Compact Scooter
Serial Number: SM4121AC07090316
43. (1) Invacare All-in-One Steel Commode
Serial Number: 9153629772
44. (1) Devil Bliss 3 Liter Oxygen Concentrator
Serial Number: T27515DZ
45. (1) Drive Medical Deluxe Folding Walker, Two-Button w/ Wheels,
Serial Number 0712000206
46. (1) Drive Medical (Active Care) Spitfire 1420 4-Wheel Compact Scooter
Serial Number: SM4121AC07080420
47. (1) Drive Medical (Active Care) Spitfire 1310 3-Wheel Compact Scooter
Serial Number: SM3022AC07040221
48. (1) Drive Medical (Active Care) Spitfire 1310 3-Wheel Compact Scooter
Serial Number: SM3022AC07040009
49. (1) Drive Medical (Active Care) Spitfire 1420 4-Wheel Compact Scooter
Serial Number: SM4121AC07080337
50. (1) Drive Medical (Active Care) Spitfire 1310 3-Wheel Compact Scooter
Serial Number: SM3022AC07040141
51. (1) Drive Medical (Active Care) Spitfire 1420 4-Wheel Compact Scooter
Serial Number: SM4121AC07080415
52. (1) Drive Medical (Active Care) Spitfire 1310 3-Wheel Compact Scooter
Serial Number: SM3022AC07040115
53. (1) Drive Medical (Active Care) Spitfire 1420 4-Wheel Compact Scooter
Serial Number: SM4121AC07090236
54. (1) Medline Bedpan

- Serial Number: 080196862941
55. (1) Drive Medical (Active Care) Spitfire 1420 4-Wheel Compact Scooter
Serial Number: SM4121 AC07090222
56. (1) Drive Medical (Active Care) Spitfire 1420 4-Wheel Compact Scooter
Serial Number: SM4121 AC07090302
57. (1) Blue Pressure Cuff
58. (1) Drive Medical (Active Care) Spitfire 1310 3-Wheel Compact Scooter
Serial Number: SM3022AC07040029
59. (1) Drive Medical (Active Care) Spitfire 1420 4-Wheel Compact Scooter
Serial Number: SM4121AC07080375
60. (1) Gem Care Plastic Transfer Bench
61. (1) Gem Care Bath Bench w/out Back
Serial Number: 3E070100601
62. (1) Gem Care Cane
Serial Number: 1510306G582
63. (1) Gem Care Cane
Serial Number: 1510306G598
64. (1) Oxygen Tank w/ Anthony Carrier
Serial Number: AS0697520
65. (1) Gem Care All in One Steel Commode
66. (1) Bantex Alph Neb Plus Nebulizer Piston Driven Compressor
Serial Number: 922397 03201
67. (1) Drive Offset Handle Aluminum Cane
Serial Number: 0152900
68. (1) Gem Care Cane
Serial Number: 1510306G637
69. (1) Gem Care Cane
Serial Number: 1510306G639
70. (1) Gem Care Cane
Serial Number: 1510306G611
71. (6) Drive Medical Grab Bar
72. (1) Drive Medical Adult Deluxe Folding Walker, Two Button with 5" Wheels
Serial Number: 1A0712000137
73. (1) Drive Medical Adult Deluxe Folding Walker, Two Button with 5" Wheels
Serial Number: 1A07012000140
74. (1) Drive Medical Adult Deluxe Folding Walker, Two Button w/ 5" Wheels
Serial Number: 1A0712000139
75. (1) Drive Medical Adult Deluxe Folding Walker, Two Button with Button 5" Wheels
Serial Number: 1A0712000138
76. (1) Drive Medical Deluxe Bariatric Transfer Bench w/ Cross Frame Back
Serial Number: 1P000563
77. (1) Drive Medical Deluxe Bariatric Transfer Bench w/ Cross Frame Bench
Serial Number: 1P000496
78. (1) Drive Chrome Quad Cane, Small Base
79. (1) Drive Chrome Quad Cane, Large Base

80. (102) Bayer Contour Blood Glucose Monitoring System
81. (14) Relia Med Safety Seal Lancets 30G, 100 Lancets per box
82. (3) Cases Nightingale Medium Adult Briefs, (96 per case)
83. (15) Tena Absorbent Pads Day Regular (46 per case)
84. (2) Uplift Risedale Seat Lift Chair
85. (2) Medline Offset Handle Fashion Cane
86. (1) Drive Medical General Use Back Cushion w/ Lumbar Support 18"x17"
Serial Number: X000395710
87. (2) Drive Medical Adult Deluxe Folding Walker, Two Button w/5" Wheels
88. (2) Drive Medical General Use Back Cushion w/ Lumbar Support 18"x17"
Serial Number: X000395794
89. (4) Drive Medical General Use Back Cushion w/ Lumbar Support 18"x17"
90. (1) Gem Care Cane
Serial Number: 1510306G456
91. (1) Gem Care Cane
Serial Number: 1510306G584
92. (3) Attends Breathable Briefs Extra Absorbency-Regular (72 per Case/Box)
93. (2) Attends Underwear Extra Absorbency- Small (96 per Case/Box)
94. (2) Attends Underwear Extra Absorbency- XXL (48 per Case/Box)
95. (4) Attends Underwear Extra Absorbency- Large (72 per Case/Box)
96. (1) Medline Protection Plus Briefs- Large (72 per Case/Box)
97. (10) Invacare Supply Group Sleep Over Disposable Pants -15 per package/tO packages
98. (12) Men's Kendall Surecare Super Absorbency Guards
99. (55) Kendall Dover Rob-Net Catheters, 16"!16Fr/Ch, Model 492058
100. (79) Drive Medical Adjustable Universal Rear Anti-Tipper w/Wheels
101. (9) Generic Oxygen "E" Cylinder Portable Oxygen Tanks \$854.91
102. (1) K2 Health Inspire Protective Underwear- Men's Large (18 Count package)
103. (3) Tena Women Protective Underwear XL (12 per pack)
104. (1) Prevail Bladder Control Pads (22 Count Package)
105. (1) First Quality Prevail Fluff Absorbent Underpad, 23" x 36" (Case of 150)
106. (8) Prevail Adjustable Underwear- Medium/Large (18 per package)
107. (30) Sherwood, Davis & Geck 1000 ml Kangaroo pump set
108. (2) Alternating Pressure Relief Mattress
109. (8) Pro-Basic by PMI "E" Cylinder Regulator
110. (15) Medline Protection Plus Classic Protective Underwear-Large (72 per case/box)
111. (49) Rite-Aide Protective Underwear (Various Sizes)
112. (4) Medline Classic Protective Underwear-XLarge (56 per case)
113. (1) Medline Classic Protective Underwear-Large (72 per case)
114. (1) Medline Classic Protective Underwear/Brief-Medium (96 per case)
115. (2) Generic Classic Protective Underwear (1) Medium case, (1) XLg. case (100 per box)
116. (60) McKesson Stay Dry Underpad-Light 23"x36" (10 per bag)
117. (1) Generic Green Oxygen Storage Cart
118. (4) Surecare Guards for Men (6 packages per case)
119. (5) Medline Capri Bladder Control Pads (20 per pack)
120. (3) Medline Protect Plus Protective Underwear-Large
121. (1) Invacare Premium Briefs-Medium (80 per case)
122. (1) Medline Cloth-like Adult Briefs (56 per case)


- 123. (1) Medline Cloth-like Adult Briefs-Large (72 per case)
- 124. (1) Medline Protection Plus Disposable Underpads (150 per Case)
- 125. (1) Invacare Overnight Underpants
- 126. (1) Invacare Goodnites Youth Underwear
- 127. (1) Tena Women Protective Underwear- Large (18 per pack)
- 128. (1) Poise Pads (17 per pack)
- 129. (1) Drive Medical (Active Care) Spitfire 1310 Compact Scooter
Serial Number: SM3022AC07040216

The Court further **ORDERS** that a money judgment in the amount of \$5,059,198.96 be imposed against Defendant Ramon **DE LA GARZA** and be made part of his sentence and included in his judgment. Said money judgment is joint and several with that imposed against all co-defendants.

The Federal Bureau of Investigation, an agency of the United States of America, shall be responsible for providing notice of this Order as provided by statute and disposing of said property according to law.

IT IS FURTHER ORDERED that the United States District Court for the Southern District of Texas shall retain jurisdiction in the case for the purpose of enforcing this Order.

DONE on this 24 day of July, 2013, at McAllen, Texas



MICAELA ALVAREZ
UNITED STATES DISTRICT JUDGE